

REMARKS

I. Preliminary Remarks

Claim 44 has been amended. Claims 44-72 are pending.

Applicant wishes to express his appreciation to the Examiner for her time in the March 13, 2003 telephone interview. The above amendment to claim 44 is in accordance with the material discussed and agreed to in the telephone interview to place the pending claims in condition for allowance.

According to the Examiner, claims 44-52, 57-59, and 63-72 of this application conflict with claims 1-7, 12-15, 17-19, 22-24, 28, and 32-40 of the co-pending application no. 09/842,992 under 37 CFR 1.78(b) as being the statutory type double patenting. In addition, claims 44-52, 57-59, and 63-68 of this application were provisionally rejected under the judicially created obviousness-type double patenting as being unpatentable over claims 1-7, 12-15, 17-19, 22-24, 27, 28, and 32-37 of the co-pending '992 application. To overcome the statutory and judicially created double patenting rejections, a separate amendment will be filed to cancel the conflicting claims 1-7, 12-15, 17-19, 22-24, 27, 28, and 32-40, in the '992 application, at the same time as this amendment is filed.

II. References Cited

The Office Action rejected claims 44, 45, 47, 48, 51, 57-59, 70, and 71 as being anticipated by Kosslow et al., (U.S. Patent No. 5,524,809), and rejected claims 44, 46, 51, 56, 57, 63-66, and 70-72 as being anticipated by Oki (JPN 53-118254) under 35 U.S.C. 102(b). In addition, claims 45, 58, 59, and 67-69 were rejected as being obvious in view of Oki under 35 U.S.C. 103(a). Applicant respectfully traverses the rejections.

Applicant's claimed invention is directed to providing a handle for a soldering iron that is replaceable or releasable so that a user may select a handle that is comfortable when using the soldering iron. See paragraph 7 of the specification. To do this, a handle has an opening that is adapted to receive a sleeve. The sleeve has a proximal end and a distal end where the proximal end is adapted to couple to a connector to make electrical contact with the proximal end of the sleeve. The distal end of the sleeve is adapted to couple to a tip. Once the handle is in place, the handle is between the proximal end and the distal end of the sleeve.

Kosslow does not teach or suggest a handle between a proximal end and distal end of the sleeve. For instance, Figure 3 of Kosslow shows the iron tip 140 and the solder iron casing 130 extending from the handle 180 rather than having the handle between a distal end and a proximal end of the solder iron casing 130. Accordingly, Kosslow does not anticipate any of the pending claims, which recite that the handle is between the proximal and distal ends.

Kosslow also does not teach or suggest having a handle that is releasable from the sleeve. Rather, the heat shield 110 moves back and forth between a retracted position as shown in Fig. 2a and an advance protective position as shown in Fig. 2b. A switch 150 is on an iron casing or handle 180 to move back and forth to protective heat shield 110. Accordingly, Kosslow does not anticipate independent claims 57 and 64, which recite that the handle is releasable from the sleeve.

Oki is directed to providing a grip or handle 6 that is away from the surface of the soldering iron 9. See page 3 of the English translation of Oki, which is enclosed with this amendment. The handle 6 is connected to the soldering iron 9 by the attachment tool 5. The grip 6 is provided away from the soldering iron to reduce the size or thickness of the grip because a thicker insulating grip is needed around the soldering iron closer to the heat source. See top of the translated page 3 of Oki. Accordingly, Oki teaches away from the claimed invention, which provides a handle having an opening to receive the sleeve. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Accordingly, Oki does not anticipate nor obviate either alone or in combination with Kosslow any of the pending claims.

Oki also does not teach or suggest a handle that is releasable from the soldering iron. In Oki, the handle is attached to the soldering iron by the attachment tool 5. In contrast, independent claims 57 and 64 recite a handle that is releasable from the sleeve. Accordingly, Oki does not anticipate or obviate either alone or in combination with Kosslow, the independent claims 57 and 64, and their respective dependent claims. In particular, with regard to independent claim 44, Oki does not teach or suggest a handle having an opening along the centerline of the handle adapted to receive the sleeve, as recited in claim 44. Accordingly, independent claim 44 and its dependent claims are allowable over Oki.

III. Conclusion

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with marking to show changes made."

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,



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VERSION WITH MARKING TO SHOW CHANGES MADE

In the Claims:

44. (Amended) A cartridge type soldering iron assembly, comprising:
a sleeve having a proximal end and a distal end, the proximal end adapted to couple to a connector and the distal end adapted to couple to a tip; and
a handle having an opening along the centerline of the handle adapted to receive the sleeve and associate with the sleeve at a predetermined position between the proximal and distal ends of the sleeve along a longitudinal axis of the sleeve.

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